



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SMC
Docket No: 05410-99
18 November 1999

GYSGT [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Gunnery Sergeant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 19 August 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1610
MMER/PERB
AUG 19 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF
GUNNERY SERGEANT [REDACTED] USMC

Ref: (a) GySgt [REDACTED] Form 149 of 6 May 99
(b) MCO P1610.7D w/Ch 1-4

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 16 August 1999 to consider Gunnery Sergeant [REDACTED] petition contained in reference (a). Correction to Item 16 of his fitness report for the period 970101 to 971231 (CH) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner argues that the mark of "Be Glad" in Item 16 is inconsistent with the remainder of the report and is a deviation from the prior evaluation by the same Reporting Senior. He further disclaims any counseling, either written or oral, in regard to the report and indicates he was never made aware of any degradation in overall performance. To support his appeal, the petitioner furnishes a Standard Addendum Page completed by the Reviewing Officer of record, Lieutenant Colonel [REDACTED] and a letter from Col [REDACTED] Washington.

3. In its proceedings, the PERB concluded that the report is both administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. The Board finds nothing to show that the assigned mark of "Be Glad" in Item 16 is anything other than the Reporting Senior's intended rating. That Colonel [REDACTED] and Lieutenant Colonel [REDACTED] disagree with that evaluation are their judgmental opinions and would not/do not negate [REDACTED] action.

b. Contrary to what the petitioner and his advocates believe, the mark of "Be Glad" did not have to be commented on or otherwise justified. Likewise, we find no inconsistency between any of the marks assigned in Section B and the evaluative comments in Section C. Finally, and notwithstanding the statements included in reference (a), the Board finds nothing of a substantive and documentary nature to show that the petitioner

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did not receive some type of counseling during the 12 months covered. It is the Board's position in this regard that counseling takes many shapes and forms, some of which are not readily apparent to the recipient. The Board also observes that the inherent relationship between the petitioner and his Reporting Senior (Instructor/OIC Instructor Section) would have ensured some type of performance feedback.

c. The PERB emphasizes its position that it cannot and does not operate under the premise that administratively correct and factually accurate fitness reports should be removed simply to enhance career progression. To do so would breach the integrity and viability of the entire performance evaluation system.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report should remain a part of the petitioner's official military record and do so as currently configured.

5. The case is forwarded for final action.

[REDACTED]

Chairperson, Performance
Evaluation Review Board
Personnel Management Division
Manpower and Reserve Affairs
Department
By direction of the Commandant
of the Marine Corps